

REMARKS

1. Preliminary Remarks

Claims 1-51 are currently pending with this amendment. Claims 2, 19, 27, 36 and 44 have been cancelled herein. Claims 1, 3, 5, 18, 20, 22, 26, 28, 30, 34, 37, 39, 43, 45 and 47 have been amended herein.

2. Remarks Concerning Rejections

a. 35 U.S.C. § 112, first paragraph

Claims 1-5, 8-9, 18-22, 25-30, 33-39, 42-47 and 50-51 were rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which assertedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses this rejection, however, in an effort to expedite prosecution, Applicant has amended independent claims 1, 18, 26, 34 and 43 (with dependent claims 2-5, 8-9, 19-22, 25, 27-30, 33, 35-39, 42, 44-47 and 50-51) to specify that the inducible promoter is an *araB* promoter. The amendment moots the Examiner's rejection. Thus, the rejection may properly be withdrawn.

b. 35 U.S.C. § 112, second paragraph

Claims 1-5 and 8-9 were rejected under 35 U.S.C. § 112, second paragraph as assertedly being indefinite. Applicant respectfully traverses this rejection of independent claim 1 (and dependent claims 2-5), however, in an effort to expedite prosecution, Applicant has deleted "into the host cell" in the fifth line of claim 1 as originally filed. Regarding claim 9, Applicant respectfully asserts that there is positive antecedent basis for "the induced host cells." Claim 1 specifies in step (a) that an expression vector is introduced into a bacterial host cell and specifies further in step (b) that expression has been induced in the host cell with the inducer, i.e., an induced host cell. Thus, the rejections may properly be withdrawn.

c. 35 U.S.C. § 102(b)

Claims 1, 5, 8-9, 12, 18, 25-26, 30, 33-35, 39, 42-43, 47 and 50-51 were rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Hahn et al. ("Hahn"). Applicant respectfully disagrees with the Examiner's characterization of the teachings of Hahn. Nevertheless, the Examiner did not reject claims 2-4, 19-21, 27-29, 36-38 and 44-46 in view of Hahn and these claims specify that the inducible promoter is an *araB* promoter. Since in an effort to expedite prosecution, Applicant has amended claims 1, 18, 26, 34 and 43 as discussed above regarding the § 112, first paragraph rejection to specify that the inducible promoter is an *araB* promoter, the claims as so amended are free from the Examiner's rejection in view of Hahn. Thus, the rejection may properly be withdrawn.

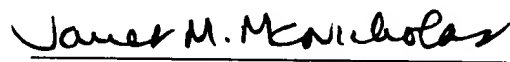
3. Conclusion

In view of the amendments and remarks made herein, all bases for rejection of claims 1-5, 8-9, 18-22, 25-30, 33-39, 42-47 and 50-51 under 35 U.S.C. § 112, first paragraph have been mooted and may be properly withdrawn. Additionally, all bases for rejection of claims 1-5 and 8-9 under 35 U.S.C. § 112, second paragraph have also been mooted and may also be properly withdrawn. Additionally, all bases for rejection of claims 1, 5, 8-9, 22, 25-26, 30, 33-35, 39, 42-43, 47 and 50-51 under 35 U.S.C. § 102(b) in view of Hahn have also been mooted and may also be properly withdrawn. The subject matter indicated as free of the cited art in claims 2-4, 19-21, 27-29, 36-38 and 44-46 by the Examiner is now represented in the claims as amended herein, which are in condition for immediate allowance. The Examiner is invited to telephone the undersigned to discuss any questions or be of any assistance to the Examiner in the reconsideration and allowance of this case.

Respectfully submitted,

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